THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO.2488 OF 2005

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Date: 29-12-2005

Between

Prem Singh … Appellant

And

Ismail and others … Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO.2488 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, J):

Heard learned counsel for the parties.

The writ petitioner/first respondent was a Fair Price Shop dealer and his authorization was suspended. He filed an appeal and also obtained stay of the suspension. Subsequently, the appellate authority without disposing of the appeal, vacated the stay. Aggrieved by the same, he filed a writ petition being W.P.No.10141 of 2005 before this Court. The learned Single Judge disposed of the writ petition on 27-06-2005 directing the appellate authority to dispose of the appeal and also granted stay of the suspension order till the appeal was decided. Thereafter, the appeal was disposed of by the appellate authority remanding the matter to the Revenue Divisional Officer, and the Revenue Divisional Officer cancelled the authorization of the first respondent as Fair Price Shop Dealer. Again an appeal was filed by the first respondent. He also filed an application for stay, which was rejected. Against that order, W.P.No.24913 of 2005 was filed. The learned Single Judge found, *prima facie,* that no show cause notice had been given to the first respondent and charges had not been framed, therefore, he granted stay during pendency of the appeal. Against this order, the present writ appeal has been filed.

Since the writ petitioner/first respondent had shown a *prima facie* case, therefore, the learned Single Judge was right in granting stay till the appeal was disposed of. The appellant, however, submits that there are certain observations made in the order by the learned Single Judge, which may effect the outcome of the appeal. In these circumstances, we make it clear that the appellate authority shall not go by the observations made by the learned Single Judge while deciding W.P.No.24913 of 2005 and shall decide the appeal on merits without being influenced by any of the observations made by this Court. The stay granted by the learned Single Judge, at this stage, cannot be vacated in view of the reasons given by us hereinabove.

The writ appeal is accordingly disposed of and the appellate authority is directed to decide the appeal of the first respondent within a period of three weeks from the date of receipt of a copy of this order. No order as to costs.

(Bilal Nazki, J)

29th December, 2005

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(C.V.Ramulu,J)

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